

ANNEX I OF THE APPLICATION

DECLARATION BY THE APPLICANT APPLYING FOR FUNDS

This Declaration must be printed and certified by the legally authorised representative of the applicant organisation. The signed and scanned document shall be attached to the application.

Project title	
Acronym	
Name of the organisation	
Role of the organisation¹	Lead Partner/ Partner 1/ Partner 2 / Partner 3/ Partner 4/ Partner 5

I, the Undersigned, the legally authorised representative of the above organisation, being fully aware that providing false statements in present Declaration constitutes an offence according to the Criminal Code, hereby declare the following:

1. General stipulations

1.1 By signing the present Declaration, I certify that the organisation I legally represent:

- a) has the adequate legal, financial and operational capacity to complete the proposed project including the capacity of project pre-financing;
- b) confirms fulfilling the criterion of a public body or a body governed by public law or private non-profit body as defined in the Call for Proposal;
- c) is not bankrupt or being wound up, is not having its affairs administered by the courts, has not entered into an agreement with creditors, has not suspended business activities, is not subject of proceedings concerning those matters, nor is it in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- d) has not been convicted of an offence concerning its professional conduct by a judgement which has the force of '*res iudicata*';
- e) has not been guilty of grave professional misconduct proven by any means which the managing authority or the national authorities can justify;
- f) has fulfilled its obligations relating to the payment of social security contributions and the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the national authorities or those of the country where the contract is to be performed;

¹ Please keep the relevant role and delete the rest.

- g) has not been the subject of a judgement which has the force of '*res iudicata*' for fraud, corruption, involvement in a criminal organisation or for any other illegal activity detrimental to the EU's financial interests;
- h) is not guilty of misrepresentation in supplying the information required by the managing authority / national authorities as a condition of participation in the Call for Proposals or in failing to supply information;
- i) has not attempted to obtain confidential information from decision-making and management bodies or influence any stage of the assessment/project selection process of current or previous Calls for Proposals;
- j) has fulfilled all repayment obligations (if any) in Hungary-Slovakia-Romania-Ukraine ENI CBC Programme 2014-2020 irrespectively from its nature (i.e. irregularity, unduly paid etc.);
- k) is currently not subject to an administrative penalty due to one of the situations referred to in points (g), (i) and (j).

1.2 I agree that the organisations of the implementing structure of the Interreg VI-A NEXT Hungary-Slovakia-Romania-Ukraine Programme may

- a) collect data and information necessary for the processing of the Application and, with the help of own or acquired automated data processing systems, may handle, use, transmit and delete relevant data;
- b) consult and contract third parties, bound by a pledge of secrecy, for the evaluation of the application and the annexed documents;
- c) if necessary, share data included in the application with organisations responsible for the national level co-ordination including evaluation and management of EU- and other subsidy systems.

1.3 I, by submitting the Application to the present Call for Proposals, acknowledge that the Data Controllers (Ministry of Foreign Affairs and Trade acting as Managing Authority and Széchenyi Programme Office Nonprofit LLC hosting the Joint Secretariat) will manage all the personal data included in the Application phase in line with Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation).

1.4 I agree on and accept all the conditions stated in the relevant documents of the Application package (Call for Proposals, Guidelines for Applicants, draft Subsidy Contract for EU contribution and its General Terms and Conditions, draft Partnership Agreement, Eligibility of Expenditures, Indicator Guide, Visibility Manual).

1.5 I am aware of the Programme rules on state aid, horizontal principles and DNSH principle.

- 1.6 I declare that the project does not include activities which were part of an operation subject to relocation within the meaning of point (27) of Article 2 of Regulation (EU) 2021/1060 of which would constitute a transfer of a productive activity within the meaning of point (a) of Article 65 (1) of that Regulation.

2. Financial stipulations

- 2.1 I declare that no expenditure related to the part of the present Application, planned to be implemented by the organisation I represent, has been, is or will be funded, in part or in whole by any other EU, national or international financial sources.
- 2.2 I furthermore declare that all financial information relevant to the organisation I legally represent is accurately stated in the Application Form and that expenditure will incur in accordance with the provisions of (NDICI) Regulation (EU) No 2021/947, the (Interreg) Regulation (EC) No 2021/1059 of the European Parliament and other relevant EU regulations, the respective national rules and the rules set out in the Programme's documents (such as the Guidelines for Applicants and the Eligibility of Expenditures), and in particular that the reality of outputs (services, works, supplies etc.) will be justified and supported by plans, invoices, acceptance documents, experts' reports and other relevant documents.
- 2.3 I am aware of the Programme rules on reimbursement, pre-financing and confirm the availability of own resources for implementing the project part.

3. Declaration on the VAT status of the Applicant²

(The applicable VAT status must be marked with X):

For your kind information: as a main rule, if the total budget (including VAT) of the project³ is below EUR 5.000.000, the VAT is eligible. However, please note that recoverable VAT is ineligible under GBER schemes, which modifies the main rule and recoverable VAT becomes ineligible.

The following declaration shall be filled in:

The body/organisation I represent is entitled to recover VAT based on national legislation for the activities implemented in the project:

☐ YES ☐ NO

If YES, and the total budget (including VAT) of the project is above or equal to EUR 5 000 000, be aware the recoverable VAT shall not be included in the Applicant's budget since it is not eligible for reimbursement;

² Based on Article 64 of Regulation (EU) 2021/1060, value added tax is non eligible, except: (i) for operations the total cost of which is below EUR 5 000 000 (including VAT); (ii) for operations the total cost of which is at least EUR 5 000 000 (including VAT) where it is non-recoverable under national VAT legislation.

³ Refers to the total budget of the project – sum of budgets of all partners.

If YES, and the total budget (including VAT) of the project is below EUR 5 000 000, and the project is state aid relevant, the recoverable VAT is not eligible;

If NO, be aware the VAT can be included in the Applicant budget as it is eligible for reimbursement.

4. Declaration on the availability of the own contribution

I, the Undersigned, being the legally authorised representative of the Applicant organisation, hereby declare that the organisation I am legally authorised to represent will provide its own contribution to the eligible expenditures and ensure the temporary availability of financial resources to run the project part before and between the reimbursement from the Programme.

5. Declaration on State aid

To fulfil this chapter of the declarations, please consult with chapter 9 of the Guidelines for Applicants including the relevant references.

Consider these questions from the perspective of any organisations which could benefit directly or indirectly from the measure.

5.1 Am I involved in economic activities through project?

5.1.1 Will I implement activities and/or offer goods/services for which a market exists?

☐ Yes ☐ No

5.1.2 Are there activities/goods/services that could have been undertaken by an operator with the view to making profit (even if this is not my intention)?

☐ Yes ☐ No

5.2 Do I or any operator receive advantage in the framework of project?

5.2.1 Do I plan to carry out the economic activities on its own i.e. not to select an external service provider via public procurement procedures for example?

☐ Yes ☐ No

5.2.2 Will I or any other operator not included in the project as a project partner or the target audience gain any benefits from its project economic activities, not received in the normal course of business (i.e. not received in the absence of funding granted through the project)?

☐ Yes ☐ No

5.3 Justification (text) – in case the answer is “Yes” to any of the questions above (5.1.1, 5.1.2, 5.2.1 or 5.2.2), please explain below.

6. Applicable only for LEAD PARTNER

In addition to the above-mentioned points, as being the legal representative of the Lead partner, I further declare that:

- a) the lead partner – representing all Partners of the project – submits, attached to present Declaration, the Application requesting subsidy for the abovementioned project from EU contribution assigned to the Interreg VI-A NEXT Hungary-Slovakia-Romania-Ukraine Programme;
- b) the application submitted for funding is a thoroughly planned and prepared operation and that during the project generation phase (especially while planning the project budget) the principles of economy and focus have been closely observed;
- c) if selected for funding, the Lead Partner is in a position to deliver, upon request and within the set deadline, any supporting documents necessary for concluding the Subsidy Contract for EU Contribution;
- d) the organisation I represent will take on the role of the Lead Partner, with all the responsibilities assigned to it, both financial and professional, such as the responsibility for ensuring the implementation of the entire project; furthermore, I confirm that all the potential beneficiaries listed in the Application Form are committed to take part in the project activities as described in the Application Form.

7. Signature – relevant for all partners and lead partner

I, the legally authorised representative of the organization, certify with my signature that the data and statements provided in this declaration are complete, correct and actual, furthermore that the provisions of the relevant Call for Proposals, its Guidelines for applicants and the application package have been noted and respected and that all scanned documents enclosed with the Application correspond to the original documents. Any relevant changes to the data provided are subject to immediate notification by the lead partner.

I understand that if there are missing, inexact or incomplete data in this Application Form or its annexes, my application could be rejected.

Date	
Place	
Signature	
Name and position	